

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15274 of John Vassilas, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Sub-section 501.1) to allow general offices on the first and second floors in an SP-2 District at premises 1926 N Street, N.W., (Square 116, Lots 59 and 60).

HEARING DATE: April 11, 1990
DECISION DATE: May 2, 1990

FINDINGS OF FACT:

1. The subject property is located on the southeast corner of 20th and N Streets, N.W. It is known as 1926 N Street, N.W., located in an SP-2 District.

2. The site consists of two lots of record - lots 59 and 60. It is improved with a three-story brick structure built in 1915. The structure occupies approximately 100 percent of the site.

3. The subject site contains 1,508.15 square feet of area. It is 34.67 feet wide and 43.50 feet deep.

4. The structure was used as a residence after its construction. This use was later changed to a rooming house. The last owner used the entire building for professional offices. Presently, the applicant uses the first floor for a restaurant. He wishes to use the second and third floors for office space.

5. Pursuant to BZA Order No. 14954, dated March 15, 1990, the Board granted a special exception for use of the second and third floors of the subject premises as offices of an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional. (11 DCMR 508).

6. The applicant thereafter leased the space to two tenants. One of the tenants has a design consultant business which is described as being similar to that of architects/engineers. The other tenant conducts governmental and legal research (Federal Communications Commission and Regulatory Affairs). Upon applying for a Certificate of Occupancy with the Department of Consumer and Regulatory Affairs (DCRA) the Zoning Review Branch determined that these tenants are not the type permitted by the Zoning Regulations. To allow their use, a use variance must be granted.

7. The applicant hereby requests a variance from the use provisions of 11 DCMR 501.1 to allow the tenants to remain at the site. The applicant maintains that the building is small and

narrow and the layout of the second and third floors is inappropriate for residential use. The applicant testified that each floor is comprised of cut-up space and thick walls. Because of these factors and the staircase arrangements, etc., the space left for office use is very limited. This will make it difficult to arrange furniture at the site.

8. The applicant further stated that he suffers a practical difficulty from the lack of off-street parking at the site. Although no off-street parking is required, it would be needed by a large business with many visitors because on-street parking is hard to find and there are no parking garages close to the site. The applicant also stated that there is only one ingress/egress point which is located on N Street. He pointed out that his tenants operate their businesses without public visitation; they use the telephone, mail and courier services, etc.

9. The applicant stated that it is possible to use the space for residential purposes, however, it is unlikely that a tenant will reside above a busy restaurant. He also noted that windows on the south and east of the site look out onto a wall.

10. The applicant pointed out that the uses surrounding the site are more intensive, and that to allow the proposed general office use will not adversely affect the public.

The Office of Planning (OP), by memorandum dated April 3, 1990, recommended approval of the application. OP described the site and noted that the restaurant's entrance is on 20th Street while the entrance to the second and third floors is on N Street. No parking is provided, however the site is within a short walking distance from the Dupont Circle Metrorail Station and several major bus lines.

OP stated that the area surrounding the subject property is characterized by a mix of uses including large office buildings, row houses converted into offices, small to large apartment buildings, restaurants, retail establishments, and scattered residential row dwellings. New Hampshire Avenue, N.W. intersects with N Street one block to the west and with 20th Street one block to the north of the site. Connecticut Avenue is located two blocks to the east, while Dupont Circle is situated two blocks northeast of the property.

OP noted that the SP-2 District permits matter-of-right medium/high density development including all kinds of residential uses, with limited offices for non-profit organizations, trade associations and professionals, permitted as a special exception requiring approval of the Board of Zoning Adjustment, to a maximum height of 90 feet, a maximum floor area ratio (FAR) of 6.0 for residential and 3.5 for other permitted uses, and a maximum lot

occupancy of 80 percent for residential uses.

OP stated that the proposed use is a small scale professional office building with few employees. The applicant plans to retain the structure's existing height, bulk and exterior architectural design. The Office of Planning is of the opinion that the continued use of the second and third floor of the subject property as offices will not create any dangerous or other objectionable impacts on the surrounding neighborhood in terms of traffic, environmental quality, or noise.

OP stated that because of the building's narrowness, interior layout and its close proximity to larger office buildings, the structure is not practical for residential purposes. Also, any residential tenants would be extremely difficult to secure and maintain because of the busy first floor restaurant and the lack of open space immediately adjacent to the subject property.

OP stated that the subject property has been used as offices for many years and that office uses are prevalent in the area of the subject site. However, most such uses are on a much larger and more intensive scale. OP is therefore of the opinion that the proposed use of the subject site will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the SP-2 District regulations. The proposed uses are in harmony with other uses in the immediate vicinity of the site, and, as a result, no special treatment is necessary to protect the value of neighboring property.

11. By letter dated March 22, 1990, the Metropolitan Police Department stated that the proposed use for this site will create no increase in the level of police services required in the area. Therefore, the Police Department has no objection to the requested relief.

12. By memorandum dated April 4, 1990, the Department of Public Works (DPW) stated that there is sufficient on-street parking to meet the parking needs of the office uses. DPW concluded that the traffic generated by the office uses will not have an adverse impact on the local street system. In addition, the site is located within proximity of the Dupont Circle Metro Station, therefore, there should be sufficient opportunity for public transit use. From a transportation perspective, DPW has no objection to the proposal.

13. Advisory Neighborhood Commission (ANC) 2B, by letter dated April 2, 1990, stated that it voted to take no position on the application.

14. A representative of the Residential Action Coalition (RAC) testified in opposition to the application. She stated that

RAC is not persuaded by the argument that the subject premises are no longer viable for residential use and that the formerly residential character is largely gone. RAC is concerned that the SP district is losing its purpose as a buffer zone between residential and commercial uses. RAC therefore believes that the applicant should be required to abide by the regulations established for the SP district.

15. A representative of Dupont Circle Citizens Association also testified in opposition. The Association feels it is important to preserve the SP district as a buffer, to the extent possible. The applicant should, therefore, be required to comply with the uses permitted in Sub-sections 501.1 and 508.1 of the Zoning Regulations governing uses in SP districts. The Association requested denial of the application. A letter dated April 11, 1990, stating the Association views, was submitted into the record. No other letters were received in support of or in opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is requesting a use variance to establish general offices in an SP-2 district. The granting of a variance requires evidence of a practical difficulty upon the owner arising out of some extraordinary or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical condition. The Board further must find that the requested relief can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that the applicant has failed to meet the burden of proof.

The Board is of the opinion that the uses permitted under 11 DCMR 501.1 and 508.1 can be accommodated at the site, by appropriate tenants, in spite of the size, narrowness and layout of the premises. Therefore, the Board concludes that the conditions of the site do not create a hardship on the owner in his efforts to comply with the Zoning Regulations.

The Board further concludes that expanding the uses permitted at the site to general offices would be substantially detrimental to the public good and would substantially impair the intent, purpose and integrity of the Zone Plan.

The Board is of the opinion that the property should be used consistent with the special exception approval or with what is

BZA APPLICATION NO. 15274
PAGE 5

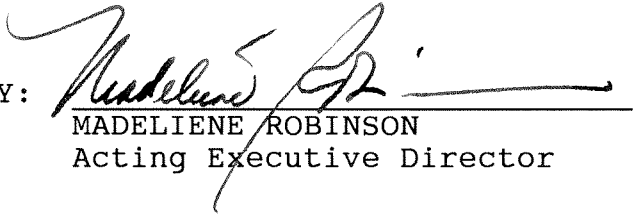
allowed as a matter-of-right.

Accordingly, it is hereby ORDERED that the application is DENIED.

VOTE: 3-0 (William F. McIntosh, Carrie L. Thornhill and Paula L. Jewell to deny; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE ROBINSON
Acting Executive Director

FINAL DATE OF ORDER:

SEP 30 1991

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

A/15274Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15274

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on SEP 30 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

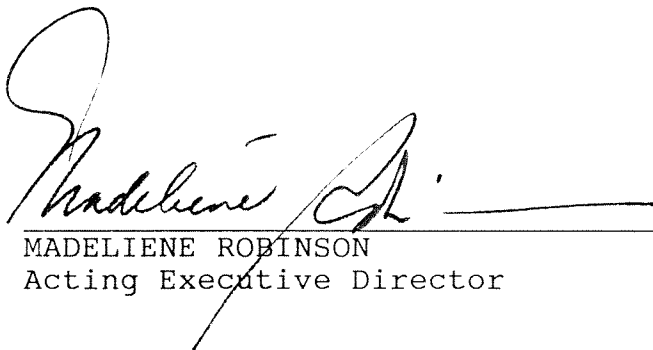
John Vassilas
5617 Sherrier Place, N.W.
Washington, D.C. 20016

Klaus Klatt
3533 Yuma Street, N.W.
Washington, D.C. 20008

Guido Fenzi
1824 - 16th Street, N.W.
Washington, D.C. 20009

Kathryn A. Eckles
1524 T Street, N.W.
Washington, D.C. 20009

Alaire Bretz Rieffel, Chairperson
Advisory Neighborhood Commission 2-B
1526 Connecticut Avenue, N.W.
Washington, D.C. 20036



MADELIENE ROBINSON
Acting Executive Director

DATE: _____

SEP 30 1991

15274Att/bhs